

Background on the Import and Export of Hazardous Waste

I. Background

The U.S. government is currently a party to several international agreements concerning international trade in hazardous wastes. They are:

- an agreement among the member countries of the Organization for Economic Cooperation and Development (OECD) governing trade in recyclable wastes
- U.S./Canada and U.S./Mexico bilateral agreements
- U.S./Malaysia and U.S./Philippines import bilateral agreements

These agreements are legally binding on the governments that are party to them, but not on the regulated community. Rather, the regulated community is subject to the federal regulations under the Resource Conservation and Recovery Act (RCRA) that implement these agreements, as further described below. Although not identical, these agreements controlling imports and exports of hazardous waste share the basic principles of notification to the government of the exporting country, government-to-government notification to the receiving government and the consent of that government prior to shipment of any waste.

II. The Import/Export Program

The Import/Export program performs the following activities:

- reviews, tracks, and enters data from notifications, shipping manifests/tracking documents, and annual reports
- provides an acknowledgment of receipt of a notice of import to the receiving facility and an acknowledgment of receipt of a notice of export to the exporter
- issues consents/objections to import notifications and acknowledgments of consent/letters of objection for export notifications
- produces an annual report of notices and waste streams processed
- provides compliance assistance
- conducts compliance monitoring
- prepares referrals for appropriate enforcement action against apparent violators

III. RCRA Regulations:

Members of the regulated community in the United States which are involved in international movements of hazardous waste must comply with all applicable domestic laws and regulations (federal and or state), which include certain regulations under RCRA, as follows:

- **Importers**—Once hazardous waste arrives in the U.S., importers must comply with 40 CFR Part 262, Subparts F and H.
- **Exporters**—Exporters of hazardous wastes must comply with 40 CFR Part 262, Subparts E and H.
- **Transporters**—Transporters must comply with 40 CFR Part 262, Subpart C, and Part 263. Subpart B.
- **Treatment, Storage and Disposal Facilities (TSDF)**—TSDFs must comply with 40 CFR Part 264, Subpart B, or 40 CFR Part 265, Subpart B, as applicable

IV. Contacts

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